

EXHIBIT P

1 CASE NO. 3:17-cv-00408

2
3 IN THE UNITED STATES DISTRICT COURT

4 FOR THE DISTRICT OF NEVADA

5
6 ALLEN M. MILLER,

7 PLAINTIFF,

8 v.

9 C.H. ROBINSON WORLDWIDE, INC., RONEL R. SINGH, RHEAS
10 TRANS, INC., and KUWAR SINGH D/B/A RT SERVICE,

11 DEFENDANTS.

12 -----/

13
14 TRANSCRIPT OF PROCEEDINGS

15 DEPOSITION OF SERGEANT BENJAMIN JENKINS

16 March 15, 2018

17 790 Commercial Street

18 Elko, Nevada

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24
25 Reported by: Tonja Gill Lemich, CSR
CSR No. 380

1 Q Okay.

2 A Excuse me.

3 Q Through your communication channels, if there
4 is an accident that you are not handling do you still
5 hear that on your system?

6 A If it's within our region at that time. We had
7 two different channels; the Elko/Wells area was on one
8 channel, the Ely/Eureka/Lander -- or Battle Mountain,
9 those other areas, were on a different channel.

10 Q All right. As we sit here today, do you recall
11 if there were any other tractor trailer related
12 slide-out issues that would have been west of where
13 this accident occurred at all?

14 A I don't recall any at that particular time.
15 Because the initial officer that responded was actually
16 a Wells officer.

17 Q Is there a way to, if you know, is there a way
18 to track down, uhm, all the accidents that would have
19 occurred on that particular day, say between 2 p.m. and
20 midnight, within the Elko command area?

21 A You might be able to get ahold of our front
22 office and request something like that. I don't know.
23 They should be able to pull -- we have a record of all
24 accidents that have happened. So there should be a
25 way, if you wish to do so, you could do that.

1 have everybody coming that needs to be coming for help.
2 And once that's all taken care of, then figure out
3 whatever documentation he can figure out, working on
4 the tows, all of that type of stuff.

5 Q It sounds like at least part of the
6 investigation consisted of figuring out how to get the
7 trailer off the pickup truck to allow the extrication
8 to occur?

9 A Correct.

10 Q Who was involved in that decision-making?

11 A Myself, the fire department, captain on scene,
12 and the EMS chief that made those choices. As well as
13 the tow truck company. We had one tow truck company
14 arrive initially, and it was determined after we talked
15 about it that one was not going to be enough and we had
16 another one come in to assist.

17 Q Okay. Can we tell which tow truck companies?

18 A Yes, Lostra Brothers and Roadway Towing was the
19 one that responded. And they should be on the initial
20 one we were looking at.

21 Q Once the two tow truck companies arrived, did
22 the process begin then of moving the trailer to free
23 the pickup?

24 A Yes. As soon as we had both trucks on scene
25 and we had them set up where they needed to. Because

1 where it says, The following individual provided a
2 written statement. And the bottom starts with
3 Conclusions. So it technically starts right around
4 29-ish.

5 Q Okay. On that collision sequence information,
6 you wouldn't have been able to add in the report until
7 after the mapping folks came out and mapped it the
8 following day?

9 A Correct. The mapping was done by CVSI Mawson.
10 We got the vehicle damage assessments and all of that
11 stuff.

12 Q Okay.

13 A Some of it can be done prior to, you know, the
14 area of impact determination, knowing where it's at,
15 what the vehicles looked like when we first arrived on
16 the scene, configurations, that type of stuff.

17 Q All right. On page 31 is your Violations of
18 Law. Well, if we go back to page 30, for Mr. Singh
19 it's -- you've actually put the statutes on that page.
20 But under driver number 1, your analysis of this
21 investigation determined that Mr. Singh had been
22 traveling too fast for those conditions?

23 A Correct.

24 Q And you got that information based upon the
25 data download?

1 A Negative. I got that information off the --
2 what the roadway conditions were at the time and the
3 fact of being out on that road driving myself, as well
4 as the other motoring public that's out on that road in
5 that same general area and not crashing their vehicles.

6 Q Okay. So --

7 A The way that violation is written, it's not
8 saying that he's speeding. Because the speed limit is
9 75. It's saying that they're traveling too fast for
10 the given road conditions, meaning even though the
11 speed limit is 75, you could be doing 35 to 40 miles an
12 hour and crash your vehicle and you could still be
13 driving too fast for the conditions. Or in that
14 particular case, either your abilities or the road
15 conditions.

16 Q And as obvious as if you get in to an accident
17 under bad conditions, you're likely driving too fast
18 for conditions?

19 A In most cases. I mean, there are extenuating
20 circumstances, such as people trying to avoid animals
21 or slam on the brakes because something crossed in
22 front of them or moving in to the other lane. But in
23 the general consensus of everything, most of the people
24 that run off the road are either distracted or they're
25 traveling too fast for their conditions.

1 Q So there was no confirmation that there was
2 black ice to corroborate Mr. Singh's version? Nobody
3 went over and photographed any ice accumulations?

4 A The roads were icy, slushy, snowy. There was
5 no specific spot that was determined it was black ice
6 or not black ice.

7 Q And in terms of speed for traveling in those
8 conditions, what is your opinion as to the proper speed
9 for what you observed that night at that location?

10 A Once again, it took me almost 30 minutes to go
11 that general direction, and I was going 35, 40, once I
12 got to the scene. Because I wasn't able to go any
13 faster because of the road conditions.

14 Q All right. For Mr. Miller, did his pickup
15 truck have any type of electronic data recorder
16 information?

17 A I don't believe so. It was an older model
18 Chevy pickup.

19 Q If it's not included in the report then --

20 A It wouldn't --

21 Q -- Mawson wouldn't have checked for that?

22 A Mawson does the commercial side of things. But
23 the MIRT guys, when they were doing the vehicle damage
24 assessment and all of that would have pulled anything
25 if there was one available.